

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AZIZ SAFOUANE, et al.,

Plaintiffs,

v.

DEBORAH FLECK, et al.,

Defendants.

CASE NO. C00-621JLR

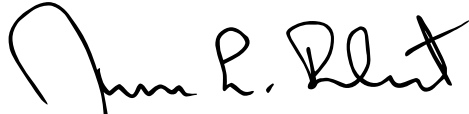
ORDER

On May 19, 2005, Defendants-Appellees Washington State filed a motion to vacate the court's prior order granting Plaintiffs *in forma pauperis* (Dkt. # 199). See Order, Dkt. # 198 (May 5, 2005). Defendants argue that the court should vacate its order because Plaintiffs' motion to proceed *in forma pauperis* ("IFP") was not served on all the parties to the action, and Plaintiffs' appeal is frivolous. Without ruling on Defendants' merits-based arguments (which should be raised on appeal and not at this stage), the court DENIES Defendants' motion to vacate and DENIES Plaintiffs' request for sanctions contained in their opposition to Defendants' motion. Although Plaintiffs admit that they failed to serve Defendants with notice of their IFP application, the court finds that this procedural error was not prejudicial to Defendants.¹ Typically, the court grants IFP applications *ex parte* because they are filed simultaneously with the complaint.

¹The court notes, however, that Plaintiffs are required to serve all pleadings on Defendants under Fed. R. Civ. P. 5(a) and Fed. R. App. P. 25(b).

1 Defendants have not brought forth any evidence challenging Plaintiffs' alleged financial
2 condition and the court finds that Plaintiffs' financial condition, as set forth in their
3 declaration, qualifies them to proceed IFP.

4 DATED this 9th day of June, 2005.

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8 JAMES L. ROBART
9 United States District Judge
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